



G E R T S B U R G   L I C A T A

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April 10, 2023

**VIA ECF and Email**

Honorable Mary Kay Vyskocil  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 2230  
New York, NY 10007  
[VyskocilNYSDChambers@nysd.uscourts.gov](mailto:VyskocilNYSDChambers@nysd.uscourts.gov)

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**RE: K2M Design, Inc. v. Peter K. Schmidt, et al.  
Case No. 1:22-cv-03069-MKV-  
Joint Case Status Letter**

Dear Judge Vyskocil:

Plaintiff K2M Design, Inc (“Plaintiff”) and Defendants Gene Lim (“Defendant Lim”) and Filmwest Global Partnership, LLC (“Defendant Filmwest”) submit this joint letter pursuant to this Court’s March 27, 2023 Order and Individual Rules of Practice.

Plaintiff and Defendants Lim and Filmwest have completed depositions for Defendant Gene Lim and Plaintiff’s owner Scott Maloney. No further depositions are necessary by either Plaintiff or Defendants Lim or Filmwest. The parties have conferred and their present best estimate of the length of a trial by jury is 2 days.

This Court adjourned the case status conference scheduled for April 4, 2023 at 2:00 PM to April 18, 2023 On April 7, 2023, counsel for Defendants Lim and Filmwest notified counsel for Plaintiff that he is unable to attend the conference scheduled for April 18th because of sentencing hearings occurring in federal criminal cases he has on that date. Additionally, counsel for Plaintiff is fully disabled and would have to travel to the status conference from Cleveland, Ohio. Accordingly, the parties respectfully request this Court to enter a ruling adjourning the case status conference and allowing it to proceed via Zoom or other video conference, to accommodate counsels’ schedules and obligations to travel to this Court’s New York location.

The parties are available for a case status conference on April 19th, after 1:30 PM on April 20th, after 2:00 PM on April 26th, or later if the Court desires.

Attorney Chabrowe has reviewed and concurs with this letter.

Thank you for your consideration.

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**The April 18, 2023 Status Conference is ADJOURNED to May 9, 2023 at 3:00 PM. Once the parties have filed the Joint Status Letter in anticipation of the conference, [see ECF No. 32], the Court will evaluate whether the conference must proceed in person, or whether it may be held remotely. SO ORDERED.**

Date: 4/11/2023  
New York, New York

  
\_\_\_\_\_  
Mary Kay Voskocil  
United States District Judge

Respectfully,

/s/ Stewart D. Roll

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*Attorney for Plaintiff, K2M Design, Inc.*

cc: Jeffrey Chabrowe, Esq. (counsel for Defendants Gene Lim and Filmwest Global Partnership, LLC) via e-mail and e-filing.